

### Remarks

The present Preliminary Amendment is being filed in a Request for Continued Examination (RCE) filed in the present application. Claims 1, 8, and 12 have been amended herein to recite the limitation of "rank of the signals according to energy or amplitude, or combinations thereof" as recited in independent claims 1 and 8, and "the N data blocks corresponding to signals previously ranked according to energy or amplitude, or combinations thereof" as recited in independent claim 12. Nowhere do the cited documents of Mochizuki or Van Nee teach or suggest such limitations. Therefore, it is believed that claims 1-19 are allowable.

It is noted that claimed subject matter may be patentably distinguished from the cited patent for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

**Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested. Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to Deposit Account No. 50-3703.

**Invitation for a Telephone Interview**

The Examiner is invited to call the undersigned attorney, Kenneth J. Cool, at (720) 227-9445 if there remains any issue with allowance.

Respectfully submitted,  
ATTORNEY FOR ASSIGNEE

Date: August 7, 2006

/Kenneth J. Cool – Reg. No. 40,570/

Kenneth J. Cool  
Reg. No. 40,570

**Customer No. 43831**  
Berkeley Law and Technology Group, LLC  
1700 NW 167th Place, Suite 240  
Beaverton, OR 97006